

REMARKS

Claims 1-28 are pending; new claims 24-28 are added.

The Examiner's indication that claims 4-23 would be allowable if rewritten in independent form is noted with appreciation. Claim 4 has been amended into independent form and to include the limitations of claims 1-3.

The provisional obviousness-type double patenting rejection will be addressed should claims in this application be allowed.

Claims 1-3 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,206,694 to Moskowitz et al. It is respectfully submitted that claims 1-3 are not anticipated by Moskowitz.

Moskowitz discloses an infuser 12 that includes a container 24 that is placed within a receptacle 20 of a housing 18 of a coffee maker 10. The container 24 includes a removable lid 28 that has a filter element 104 connected thereto via a shaft 60. The container 24 can be filled with coffee 134 when the lid 28 is removed. Once filled with coffee 134, the lid 28 is attached to the container 24 and the shaft 60 rotated to use the filter to compact the coffee 134. Water is supplied via an inlet into the region of the container 24 having the coffee 134 to brew a beverage. The coffee 134 is filtered from the beverage by the filter element 104 as the beverage flows upwardly to a region on an opposite side of the filter element 104 from the inlet and the coffee 134. The beverage exits the region on the opposite side of the filter element 104 through a bushing 72, as illustrated in Figures 4 and 5. The bushing 72 is carried by the shaft 60. The bushing directs the exiting beverage into a moveable tube 124 and out through a discharge opening 118.

Moskowitz does not disclose a cartridge having an aperture in a beverage flow path linking an inlet to an outlet, where the aperture is delimited by an interface between an inner member and an outer member, as recited in claim 1. The Office action identifies elements 124 (tube) and 132 (upper end of tube) of Moskowitz as being the aperture recited in claim 1. However, the tube 124 and the upper end of the tube 132

are not separate components, and thus do not correspond to an inner member and an outer member.

Moreover, the junction between the tube 124 and the replaceable filter paper disk 82 does not form an aperture in a beverage flow path that is delimited by an interface between an inner member and an outer member. The path the beverage takes to exit the diffuser 12 of Moskowitz is not through the junction between the tube 124 and the disk 82. Instead, the beverage exits Moskowitz through the bushing 72.

Furthermore, there is no aperture delimited by an interface between an inner member and an outer member in Moskowitz. The bushing 72 is only a single component, and thus cannot constitute both an inner member and an outer member.

With respect to new claims 24, 25 and 28, the filter element 108 of Moskowitz is not fixed. Instead, the filter element 108 is moveable upon rotation of the shaft 60 to compress the coffee 134.

With respect to new claims 26 and 27, Moskowitz does not disclose a pierceable lid. Instead, Moskowitz discloses a lid 28 that is removable to permit insertion of the coffee 134.

For the foregoing reasons, it is submitted that claims 1-28 are in condition for allowance, and reconsideration and allowance of claims 1-28 are respectfully requested.

The Commissioner is hereby authorized to charge any which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,

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